



Child Welfare Information Gateway

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STATE
STATUTES
SERIES

*Current Through
August 2005*

Statutes of Limitations for Offenses Against Children

All States, the District of Columbia, Puerto Rico, and all U.S. territories have statutes of limitations for criminal offenses and civil suits. A statute of limitations is a provision in State statutes that establishes a time period within which legal action must be initiated. In a criminal case, the State prosecutor must file charges within a certain time after the commission of the crime. In a civil suit, a person has a limited time for filing a claim alleging that an offense occurred against him or her. Once the time limit prescribed for an offense in the statute of limitations has expired, a legal action may not be commenced.

Many States extend or remove statutes of limitations for certain offenses against minors, as minors may be physically or emotionally incapable of recogniz-

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Limitations for Criminal Prosecutions

ing and reporting an offense against them within the prescribed time period. For example, children who are victims of physical or sexual abuse may be so traumatized by the victimization that they repress the memory of the offense until years after the statute of limitations has expired. In other cases, children may reside with their physical or sexual abusers and thus may be too intimidated to file a claim until they live apart from the abusers.

Approximately 43 States, the District of Columbia, Puerto Rico, and the territories of American Samoa, Guam, and the Virgin Islands extend the time permitted for filing criminal charges against alleged perpetrators of child abuse.¹ Most States allow the extension of the statutes of limitations for cases of childhood sexual abuse, although some States also allow an extension for serious physical abuse.

Provisions vary considerably from State to State, but generally fall into the following categories:

- Limitations are removed in cases of serious sexual offenses.²
- Limitations for cases of sexual abuse are extended until after the minor victim reaches his or her majority.³
- Limitations for cases of sexual abuse are extended for a longer period of time after commission of the crime.⁴

¹ The word *approximately* is used to stress the fact that States frequently amend their statutes. Kentucky, Maryland, North Carolina, South Carolina, Virginia, West Virginia, Wyoming, and the Northern Mariana Islands do not currently provide for an extension of the criminal statutes of limitation in their statutes. This information is current through August 2005.

² In 15 States and 2 territories: Alabama, Alaska, Arizona, Delaware, Florida, Idaho, Louisiana, Maine, Michigan, Missouri, Nebraska, New Jersey, New Mexico, Rhode Island, Vermont, American Samoa, and the Virgin Islands.

³ In the District of Columbia, Puerto Rico, Guam, and the following 25 States: Arkansas, California, Connecticut, Florida, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Massachusetts, Missouri, Montana, Nevada, New Hampshire, New Jersey, New York, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Vermont, Washington, and Wisconsin.

⁴ In 13 States: Alaska (10 years), Colorado (7 years), Georgia (15 years), Michigan (10 years), Minnesota (9 years), Mississippi (not specified), Nebraska (7 years), New Mexico (5 or 6 years, depending on the offense), North Dakota (7 years), Ohio (20 years), Oklahoma (7 years), Texas (10 years), Utah (4 years); and the District of Columbia (10 or 15 years, depending on the offense).

Limitations for Civil Suits

- Limitations are removed or extended in cases of sexual offenses when there is DNA evidence.⁵
- Limitations are removed in cases of serious physical abuse or injury.⁶
- Limitations are extended in cases of physical abuse until after the minor victim has reached the age of his or her majority.⁷
- Limitations are extended for a longer period of time after commission of the crime in cases of physical abuse.⁸

Approximately 47 States, the District of Columbia, Puerto Rico, and all the territories extend the time permitted for an individual to file a civil suit against another individual for the harm suffered as a result of childhood abuse.⁹ Most States allow the extension in any case in which the individual has a legitimate cause of action, but some States specifically address the issue of childhood sexual abuse in their statutes. Provisions vary considerably from State to State but generally fall into the following categories:

- Limitations for any civil claim of childhood abuse are suspended until the individual reaches his or her majority; then the time limit specified in statute for the offense begins.¹⁰

⁵ Removed in six States: Georgia, Illinois, Michigan, Minnesota, Texas, and Utah; and extended in seven States: Arkansas, Florida, Kansas, Louisiana, Oklahoma, Oregon, and Wisconsin.

⁶ In Delaware and the Virgin Islands.

⁷ In nine States: Arkansas, Hawaii, Idaho, Illinois, Louisiana, Massachusetts, Oregon, Pennsylvania, and Wisconsin.

⁸ In five States: Georgia (7 years), Nebraska (7 years), Mississippi (not specified), Oklahoma (7 years), and Texas (5 or 10 years, depending on the offense).

⁹ Florida, New Jersey, and Wisconsin do not currently have any provisions for extending the statutes of limitations in civil cases.

¹⁰ In the District of Columbia, Puerto Rico, and the following 18 States and 2 territories: Arizona, Hawaii, Idaho (but no longer than 6 years), Massachusetts, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, North Carolina, North Dakota, Ohio, Pennsylvania, Utah, Virginia, Washington, West Virginia (but no longer than 20 years after commission of the offense), Guam, and the Northern Mariana Islands.

- Limitations for any civil claim of childhood abuse are suspended until the individual reaches his or her majority, then extended for a specified period of time.¹¹
- In cases of childhood sexual abuse, limitations are suspended until the individual reaches his or her majority, then extended for a specified period of time.¹²
- In cases in which knowledge of sexual abuse is not discovered until after the individual reaches his or her majority, the statutes of limitations are extended for a period of time after the memory is recovered.¹³
- In cases of serious sexual offenses against a child, the time limitation is removed.¹⁴

This publication is a product of the State Statutes Series prepared by Child Welfare Information Gateway. While every attempt has been made to be complete, additional information on these topics may be in other sections of a State's code as well as in agency regulations, case law, and informal practices and procedures.

¹¹ In 18 States and 2 territories: Alabama (3 years, but no more than 20 years after commission of the offense), Alaska (2 years), Arkansas (3 years), Colorado (2 years), Delaware (3 years), Illinois (2 years), Indiana (2 years), Iowa (1 year), Kansas (1 year, but no more than 8 years after commission of the offense), Louisiana (10 years, for serious physical abuse), Michigan (1 year), New Hampshire (2 years), New York (3 years, but no more than 10 years after commission of the offense), Oklahoma (1 year), Oregon (6 years, or 3 years after the discovery of harm), South Carolina (1 year), Tennessee (3 years), Wyoming (3 years), American Samoa (1 year), and the Virgin Islands (2 years).

¹² In 19 States: Alaska (3 years), Arkansas (3 years), California (8 years), Connecticut (30 years), Georgia (5 years), Illinois (10 years), Kentucky (5 years), Louisiana (10 years), Maryland (7 years), Montana (3 years), Nevada (10 years), New Mexico (24th birthday), Oklahoma (2 years), Pennsylvania (12 years), Rhode Island (7 years), South Dakota (6 years), Texas (5 years), Utah (4 years), and Vermont (6 years).

¹³ In 11 States: Alaska (3 years), Arkansas (3 years), California (3 years), Illinois (5 years), Kentucky (5 years), Montana (3 years), Nevada (10 years), New Mexico (3 years), Rhode Island (7 years), Utah (4 years), and Vermont (6 years).

¹⁴ In Alaska and Maine.